

reference, the DJO Defendants respectfully request that the Court dismiss with prejudice all allegations and claims in the SAC asserted against them.

REQUEST FOR HEARING

The DJO Defendants respectfully request a hearing on the issues raised in this Motion.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I hereby certify that counsel for the Defendants has conferred with Relator Bierman's counsel in a good faith attempt to resolve or narrow the issues presented by this Motion but could not reach any resolution.

Dated: August 17, 2010

Respectfully submitted,

/s/ Andrew C. Bernasconi

Kathleen H. McGuan (admitted *pro hac vice*)

Andrew C. Bernasconi (BBO # 655307)

Reed Smith LLP

1301 K Street NW

Suite 1100 – East Tower

Washington, DC 20005

(202) 414-9200

(202) 414-9299 (fax)

kmcguan@reedsmith.com

abernasconi@reedsmith.com

Thomas H. Suddath, Jr. (admitted *pro hac vice*)

Reed Smith LLP

2500 One Liberty Place

1650 Market Street

Philadelphia, PA 19103

(215) 851-8100

(215) 851-1420 (fax)

tsuddath@reedsmith.com

*Attorneys for DJO Incorporated and ReAble
Therapeutics, Inc.*